



THE CITY OF NEW YORK
LAW DEPARTMENT
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September 1, 2022

BY ECF

Hon. Jesse M. Furman
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *N.J. obo G.J. v. N.Y. City Dep't of Educ., et al.*
Index No. 18 CV 6173 (JMF) (BCM)

Dear Judge Furman,

I am an Assistant Corporation Counsel in the Office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York and attorney for the Defendants in the case referenced above. I submit this letter jointly with Plaintiffs' counsel and pursuant to the Court's Orders, dated August 9, 2022, and August 30, 2022.

The parties are pleased to inform Your Honor that we have reached agreement in principle to resolve Plaintiffs' substantive claims. The parties must still work out some technical aspects of the agreement, however. One of those is that Plaintiffs may seek to place certain funds into a special needs trust, and needs to consult with an attorney with expertise in that area to determine if and how this will be done. As Plaintiffs noted for Your Honor in the last status letter, filed on August 29, 2022, Plaintiff N.J. was away due to a family emergency and returned to the City only today (and the parties only reached this agreement today). As a result, Plaintiffs have not yet been able to address this element. The parties also need to confirm two settlement terms that have been discussed during negotiations, but are not yet finalized. Neither should be an impediment to our agreement, but both must be reviewed and/or confirmed by individuals other than counsel. The parties also must draft a stipulation.

Further, as we have previously discussed with the Court, the parties must also resolve Plaintiffs' claim for attorneys' fees, costs and expenses. There are several underlying administrative hearings, an administrative appeal and this action. We note for the Court that

Plaintiffs' counsel and this Office have resolved numerous cases together and have never needed the court's intervention to resolve fees or engaged in fee litigation.

In light of this, the parties respectfully request that the Court extend, by two weeks, the deadlines for the parties to (i) propose a discovery schedule and a briefing schedule for any proposed motions (currently due today, September 1, 2022), and (ii) begin motion practice (presently set for September 12, 2022). The parties respectfully request that they be permitted to write another status letter in two weeks, or by September 15, 2022, at which point we expect to (a) inform the Court that all logistical issues have been resolved and Plaintiffs' fees claim will be all that remains; and (b) propose a schedule for completing the settlement.

We appreciate the Court's patience with the parties and believe that it was key in helping us reach an agreement.

Thank you for your consideration of this matter.

Respectfully submitted,

s/

Andrew J. Rauchberg
Assistant Corporation Counsel

cc: Elisa Hyman, Esq.
The Law Offices of Elisa Hyman, P.C.
Attorneys for Plaintiffs

The Court commends counsel on the settlement in principle. In light of it, the application is GRANTED. The Clerk of Court is directed to terminate ECF No. 150. SO ORDERED.

September 2, 2022